0761697

BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE
FOR THE STATE OF TENNESSEE

TENNESSEE INSURANCE DIVISION, Petitioner,	)	
vs.	)	No.: 12.01-094106J
ROBERT A. WHITE, Respondent.	)	

NOTICE OF DEFAULT AND INITIAL ORDER

This matter came to be heard on January 23, 2007, before William Reynolds, an Administrative Judge assigned to the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Commerce and Insurance in Nashville, Tennessee. Karen L. Heidel, Staff Attorney, Department of Commerce and Insurance, represented the State. The Respondent, Robert A. White, was not present at the hearing, nor did an attorney appear on his behalf.

ORDER OF DEFAULT

This matter was heard upon the Petitioner's Motion for Default due to a failure of the Respondent, Robert A. White, to appear or to be represented at the hearing on January 23, 2007, after receiving proper notice thereof. The record indicates that the Respondent, Robert A. White, was properly served under the provisions of Tenn. Code Ann. § 56-6-112. After consideration of the record, it was determined that the Petitioner's motion was proper. The Respondent, Robert A. White, was held in **DEFAULT**, and the Petitioner was permitted to proceed with an uncontested case.

INITIAL ORDER

The subject of this hearing was the proposed revocation of the Respondent's insurance producer license in Tennessee. After consideration of the argument of counsel and the record in this matter, it is the determination of this administrative judge that the Respondent's insurance producer license should be **REVOKED**. This decision is based upon the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Respondent is a citizen of Tennessee and a resident of Lebanon, with his mailing address being 122 Timber Trail Drive, Lebanon, Tennessee 37087 and, at all times relevant to the events herein, has been licensed by the Division to sell insurance in this state as an insurance producer, license number 761697.

2. On or about October 31, 2003, the Division commenced an investigation into the activities of the Respondent. The Division obtained information through its investigation that evidenced that the Respondent violated certain provisions of the Law by misappropriating money and property received in the course of doing insurance business.

3. On or about July 24, 2006, a Subpoena Duces Tecum was issued to the Respondent requiring production of records related to the sale of insurance during the period of Respondent's employment with Monumental Life Insurance Company by September 6, 2006. A Subpoena Ad Testificandum also required the Respondent to appear and give testimony to the Division on September 6, 2006. The subpoenas were served on the Respondent via U.S. Mail, Return Receipt Requested, at the address of 122 Timber Trail Drive, Lebanon, Tennessee 37087.

4. On or about August 14, 2006, the Return Receipt was signed for by Robert White.

5. The Respondent did not respond to the subpoena and did not produce the documents or provide them to the Division as ordered to do by the subpoena.

6. On or about September 6, 2006, Respondent failed to appear before the Division to give testimony, as required by the subpoena.

CONCLUSIONS OF LAW

7. Tennessee Code Annotated § 56-6-112(a)(2) provides, in pertinent part, that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any insurance producer license upon finding that the insurance producer or applicant was violating any law, rule, regulation, subpoena, or order of the Commissioner.

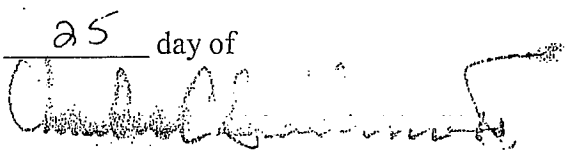
8. The State has met its burden of proof by a preponderance of the evidence that the Respondent violated a subpoena of the Commissioner directing him to produce documents and appear before the Commissioner's designees.

It is therefore **ORDERED** that license number 761697, issued to Robert A. White, be **REVOKED**.

This Initial Order entered and effective this 25 day of January, 2007.

William Reynolds
Administrative Judge

Filed in the Administrative Procedures Division, this 25 day of January, 2007.



Charles C. Sullivan, II, Director
Administrative Procedures Division